

# **EXHIBIT “A”**

## Supreme Court of Pennsylvania

Court of Common Pleas  
Civil Cover Sheet

Susquehanna

County

For Prothonotary Use Only:

Docket No:

2017-74 CP

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

## Commencement of Action:

- ☐ Complaint
 ☒ Writ of Summons
 ☐ Petition
 ☐ Declaration of Taking

Lead Plaintiff's Name:

Robert Hubal

Lead Defendant's Name:

Cooperative Regions of Organic Producer Pools

Are money damages requested? ☒ Yes ☐ No

Dollar Amount Requested:

(check one)

☐ within arbitration limits☐ outside arbitration limits

Is this a Class Action Suit?

☐ Yes ☒ No

Is this an MDJ Appeal?

☐ Yes ☒ No

Name of Plaintiff/Appellant's Attorney: Joseph A. O'Brien

☐ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

SECTION B

**Nature of the Case:** Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

## TORT (do not include Mass Tort)

- ☐ Intentional  
☐ Malicious Prosecution  
☐ Motor Vehicle  
☐ Nuisance  
☐ Premises Liability  
☐ Product Liability (does not include mass tort)  
☐ Slander/Libel/ Defamation  
☐ Other:

## MASS TORT

- ☐ Asbestos  
☐ Tobacco  
☐ Toxic Tort - DES  
☐ Toxic Tort - Implant  
☐ Toxic Waste  
☐ Other:

## PROFESSIONAL LIABILITY

- ☐ Dental  
☐ Legal  
☐ Medical  
☐ Other Professional:

## CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff  
☐ Debt Collection: Credit Card  
☐ Debt Collection: Other

- ☐ Employment Dispute: Discrimination  
☐ Employment Dispute: Other

☒ Other:

contract dispute

## CIVIL APPEALS

- Administrative Agencies  
☐ Board of Assessment  
☐ Board of Elections  
☐ Dept. of Transportation  
☐ Statutory Appeal: Other

☐ Zoning Board☐ Other:

## REAL PROPERTY

- ☐ Ejectment  
☐ Eminent Domain/Condemnation  
☐ Ground Rent  
☐ Landlord/Tenant Dispute  
☐ Mortgage Foreclosure: Residential  
☐ Mortgage Foreclosure: Commercial  
☐ Partition  
☐ Quiet Title  
☐ Other:

## MISCELLANEOUS

- ☐ Common Law/Statutory Arbitration  
☐ Declaratory Judgment  
☐ Mandamus  
☐ Non-Domestic Relations  
☐ Restraining Order  
☐ Quo Warranto  
☐ Replevin  
☐ Other:

IN THE COURT OF COMMON PLEAS  
OF SUSQUEHANNA COUNTY

ROBERT HUBAL  
161 Brown Hill Road  
Susquehanna, PA 18465

CIVIL ACTION - LAW

Plaintiff

No. 2017-CV- 712 CP

v.

COOPERATIVE REGIONS OF ORGANIC  
PRODUCER POOLS  
One Organic Way  
LA Farge, WI 54639

Defendant

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NOTICE TO DEFEND

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You have been sued in Court. If you wish to defend against the claims set forth in the following pages you must take action within twenty (20) days after this Complaint and Notice are served by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the Court without further notice of any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

Pennsylvania Lawyer Referral Service  
Pennsylvania Bar Association  
PO Box 186  
Harrisburg, PA 17108

Susquehanna County Prothonotary Office  
Courthouse  
Montrose, PA 18801  
570-278-4600

Respectfully submitted,



Joseph A. O'Brien, Esq.  
Attorney I.D. No.: 22103  
Oliver, Price & Rhodes  
1212 South Abington Road  
P.O. Box 240  
Clarks Summit, PA 18411  
Phone: (570) 585-1200  
Fax: (570) 585-5100  
Email: [jaob@oprllaw.com](mailto:jaob@oprllaw.com)

IN THE COURT OF COMMON PLEAS  
OF SUSQUEHANNA COUNTY

ROBERT HUBAL  
161 Brown Hill Road  
Susquehanna, PA 18465

CIVIL ACTION – LAW

Plaintiff

No. 2017-CV- 90CP

v.

COOPERATIVE REGIONS OF ORGANIC  
PRODUCER POOLS  
One Organic Way  
LA Farge, WI 54639

Defendant

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COMPLAINT


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1. The Plaintiff is Robert Hubal, an adult and competent individual residing at 161 Brown Hill Road in Susquehanna, Pennsylvania 18465.
2. The Plaintiff is the owner of Hubal Farm in Thompson, Pennsylvania, an organic farm that is certified with the United States Department of Agriculture's National Organic Program to produce or handle organic hay, pasture, dairy cows, and milk.
3. The Defendant is Cooperative Regions of Organic Producer Pools ("CROPP"), an independent cooperative of organic farmers with its headquarters based at One Organic Way, La Farge, Wisconsin 54639.
4. This litigation arises out of an oral agreement between the Plaintiff and CROPP, whereby the Plaintiff would provide organic dairy production to CROPP, and that CROPP would, during the term of the Agreement, purchase all of the Plaintiff's daily organic dairy production.
5. The oral agreement between Plaintiff and CROPP was reduced to a writing on October 5, 2011 when the Plaintiff and CROPP signed a Daily Member Agreement ("the Agreement").
6. Under the terms of the Agreement, Hubal pledged its organic dairy production to CROPP and appointed CROPP as its exclusive agent of the marketing of its organic milk/dairy products. Hubal also represented in the Agreement that its milk products were produced using certifiable practices.

7. The Agreement and a 12 month letter of intent also signed by Hubal and CROPP on October 5, 2011 required CROPP to purchase all of Hubal's organic dairy production.
8. The Agreement provides that it shall be in effect continuously from October 5, 2011, subject to the right of either party to terminate the Agreement at any time by giving the other party 180 days' notice in writing.
9. A copy of the Agreement and Letter of Intent referred to in paragraph 7 and 8 of this Complaint are attached hereto as Exhibits A and B.
10. In August of 2012, CROPP began purchasing all of Hubal's daily organic production and continued to do so, without interruption, until May of 2016, when, without justification or authorization in the Agreement, it suspended its purchases from Hubal.
11. In August of 2016, CROPP terminated the Agreement without giving the requisite 180 days' notice.
12. Hubal believes, and therefore alleges, that CROPP's suspension of its purchases and subsequent termination of the Agreement constitutes a breach of its contract with Hubal.
13. Hubal has sustained damages and losses to his business in excess of \$275,000.00 as a result of CROPP's breach of contract.
14. By reasons of the above, Hubal seeks an award of money damages against CROPP in an amount in excess of \$275,000.00.

Respectfully submitted,

  
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Joseph A. O'Brien, Esq.  
Attorney I.D. No.: 22103  
Oliver, Price & Rhodes  
1212 South Abington Road  
P.O. Box 240  
Clarks Summit, PA 18411  
Phone: (570) 585-1200  
Fax: (570) 585-5100  
Email: [jaob@oprlaw.com](mailto:jaob@oprlaw.com)

VERIFICATION

I, Robert Hubal, Plaintiff, hereby verify that the statements contained in the foregoing COMPLAINT are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904, relating to unsworn falsifications to authorities.

Date: June 1<sup>st</sup>, 2017

By: Robert Hubal  
Robert Hubal

Cover Sheet

Case No 2017-00701

Plaintiff:  
ROBERT HUBAL

\*\* (VS) \*\*

Defendant:  
COOPERATIVE REGIONS OF ORGANIC PRODUCER POOLS

Case No 2017-00701

ROBERT HUBAL (VS) COOPERATIVE REGIONS ETAL

Date  
Filed

FIRST ENTRY

1 6/04/17 COMPLAINT AND NOTICE TO DEFEND BY JOSEPH A O'BRIEN ESQ AND  
VERIFICATION BY PLAINTIFF 2 RM TS ATTY O'BRIEN  
006 Image page(s) exist(s) for this entry

LAST ENTRY